(3)

Single Bench

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT

BILASPUR

W.P.NO. 5685 / 2005

Petitioner : Rohit Kumar Paikra
S/o Vakil Singh
Aged about 35 years,
R/o Village Jhabdi,
P.S.Kasdol,
Dist : Raipur-(C.G.)

Versus

Respondents :1. State of Chhattisgarh,
Through the secretary
Panchayat and Development of Urban / Local Administration
Mantralaya, D.K.S Bhawan Raipur,
Dist : Raipur-(C.G.)

2. The Addl.Collector,
Baloda Bazar,
Dist: Raipur- (C.G.)

3. Bhupendar Singh
S/o Not Known
R/o Village Jhabdi,
Tehsil – Kasdol,
Dist: Raipur- (C.G.)

P.R. No. 5836/05 Presented by Deepak Jain dated 10.11.05

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WRIT PETITION UNDER ARTICLE 226 / 227 OF THE CONSTITUTION OF INDIA

1. Particulars of the Petitioner :

(70)

HIGH COURT OF JUDICATURE AT BILASPUR: CHHATTISGARH

DIVISION BENCH

CORAM: HON'BLE SHRI H.L. DATTU, CJ AND
HON'BLE SHRI V.K. SHRIVASTAVA, J.

Writ Petition No.5685 of 2005

PETITIONER: Rohit Kumar Paikra.

VERSUS

RESPONDENTS: State of Chhattisgarh and others.

Present:

Shri Deepak Jain, counsel for the petitioner.
Shri Sanjay S.Agrawal, G.A. for the State.

ORAL ORDER

(Passed on 19th February, 2007)

The following oral order of the Court was passed by **H.L. Dattu, CJ.**

Though the matter is posted before the Court for orders, by the consent of learned counsel appearing for both the parties, the matter is taken up for final hearing.

(2) In this writ petition, the petitioner calls in question the legality or otherwise of the order dated 04-10-2005 passed by the Additional Collector / respondent No.2, in exercise of his power under Section 36(1) (m) of the Panchayat Raj Adhiniyam.

(3) In our view, if for any reason, the petitioner was aggrieved by the aforesaid order, he had to file an appropriate appeal before the appellate authority as provided under the provisions of M.P. Panchayats (Appeal and Revision) Rules, 1995. Bypassing the statutory appeal remedy, in our view, the petitioner could not have

approached this Court since the appeal so provided for is an effective and efficacious remedy.

(4) In that view of the matter, we decline to entertain this writ petition. Accordingly, the writ petition is dismissed. However, liberty is reserved to the petitioner, if he so desires, to question the legality or otherwise of the order dated 04-10-2005 passed by the Additional Collector / respondent No.2 before the appellate forum within a month's time from today. If such an appeal is filed within the time granted by this Court, the appellate authority shall decide the same without reference to the period of limitation. All the contentions raised by both the parties are left open.

(5) The interim order passed earlier shall enure to the benefit of the petitioner for a further period of one month from today. Ordered accordingly.

Sd/-
Chief Justice

Sd/-
V.K. Shrivastava
Judge

JUDGE